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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,795	09/06/2003	Ashish Thusoo	O17035722001	7099
55498 7590 05/19/2008 ORACLE INTERNATIONAL CORPORATION c/o BINGHAM MCCUTCHEN LLP THREE EMBARCADERO CENTER SAN FRANCISCO, CA 94111-4067			EXAMINER MORRISON, JAY A	
			ART UNIT 2168	PAPER NUMBER
			MAIL DATE 05/19/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/656,795	Applicant(s) THUSOO ET AL.	
	Examiner Jay A. Morrison	Art Unit 2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-68 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-68 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/24/07 has been entered.

Remarks

2. Claims 23-68 are pending.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 56-68 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As per claims 56-68, these claims disclose a system but do not describe any hardware, which is required for a system claim to be statutory. Accordingly, these system claims are rejected as non-statutory for failing to disclose any hardware.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 23-68 are rejected under 35 U.S.C. 102(e) as being anticipated by Wu et al. ('Wu' hereinafter) (Publication Number 2004/0066529).

As per claim 23, Wu teaches

A method of handling document operation requests and storing results of document operations requests in a volatile or non-volatile computer readable medium, the method comprising: (see abstract and background)

receiving a document operation request, the document operation requiring one or more collection elements in a collection within the document to be in a computer-readable memory, wherein the one or more collection elements are designated to be part of the collection with a markup language (document elements, paragraph [0100], lines 1-8; HTML or XML, paragraph [0110], elements are tagged elements, paragraph [0061], lines 1-5);

identifying at least one of the one or more required collection elements for processing (document elements required, paragraph [0100]);

determining whether the at least one identified collection element is in the computer-readable memory (elements in RAM need to be unloaded to make room, paragraph [0100]);

identifying a collection partition associated with the at least one identified collection element, wherein the collection partition comprises a subset of the collection elements in the document, wherein the subset of collection elements comprises at least one collection element in addition to the at least one identified collection element; (acquiring all display content data of the document element that will fit on a page, paragraph [0100], lines 1-12)

loading the collection element into the computer-readable memory based on a result from the act of determining, where the at least one identified collection element is loaded into the computer-readable memory when the at least one identified collection element is not in the computer-readable memory (reload element, paragraph [0100]-[0103]);

and executing the document operation with the collection partition (print, paragraph [0100]).

As per claim 24, Wu teaches
a collection partition does not exceed a threshold size (paragraph [0067]).

As per claim 25, Wu teaches
the threshold size is a factor of the memory size (paragraph [0079]).

As per claim 26, Wu teaches
the threshold size is user defined (paragraph [0030]).

As per claim 27, Wu teaches
the memory is fixed in size (paragraph [0079]).

As per claim 28, Wu teaches
a collection partition is a unit in which data is written to or read from a data storage device (paragraph [0100]).

As per claim 29, Wu teaches
a collection partition comprises collection elements from one collection (paragraph [0101]).

As per claim 30, Wu teaches
a collection partition is a disjoint subset of a collection in the document
(paragraph [0100]).

As per claim 31, Wu teaches
loading the at least one identified collection element into memory comprises:
loading the at least one identified collection element into a new collection partition in the
memory when the at least one identified collection element is not in the memory
(paragraph [0100]).

As per claim 32, Wu teaches
determining whether the memory is full (paragraph [0100]-[0103]);
selecting one or more collection partitions in the memory for removal when the
memory is full (paragraph [0100]-[0103]);
propagating one or more changes in each of the one or more selected collection
partitions to one or more data storage devices storing one or more collection elements
in the selected collection partition (paragraph [0100]-[0103]);
removing the one or more selected collection partitions from the memory
(paragraph [0100]-[0103]);
and updating one or more collection partitions that remain in the memory
(paragraph [0100]-[0103]).

As per claim 33, Wu teaches

the memory is full when the memory is above a threshold (paragraph [0079]).

As per claim 34, Wu teaches

the threshold is user defined (paragraph [0030]).

As per claim 35, Wu teaches

selecting one or more collection partitions in the memory for removal comprises:
selecting one or more least recently used collection partitions in the memory for removal
when the memory is full (paragraph [0100]).

As per claim 36, Wu teaches

updating one or more collection partitions comprises: updating metadata
corresponding to the one or more collection partitions that remain in the memory
(paragraph [0095]).

As per claim 37, Wu teaches

the one or more selected collection partitions do not contain any of the one or
more required collection elements (paragraph [0100]-[0103]).

As per claim 38, Wu teaches

the document operation is a read, update, delete, insert, or create operation (paragraph [0100]).

As per claim 39, Wu teaches
the one or more required collection elements are part of one collection (paragraph [0100]).

As per claim 40, Wu teaches
determining whether the at least one identified collection element is within a collection partition in the memory comprises: determining whether a collection partition corresponding to the at least one identified collection element has already been loaded into memory (paragraph [0100]-[0103]).

As per claim 41, Wu teaches
loading the at least one identified collection element into memory comprises:
loading the corresponding collection partition into memory when the corresponding collection partition has not already been loaded into memory (paragraph [0100]-[0103]).

As per claim 42, Wu teaches
the document is an XML document (paragraph [0110]).

As per claims 43 and 56,

These claims are respectively rejected on grounds corresponding to the arguments given above for rejected claim 23 and are similarly rejected.

As per claim 44 and 57,

These claims are respectively rejected on grounds corresponding to the arguments given above for rejected claim 24 and are similarly rejected.

As per claim 45 and 58,

These claims are respectively rejected on grounds corresponding to the arguments given above for rejected claim 27 and are similarly rejected.

As per claim 46 and 59,

These claims are respectively rejected on grounds corresponding to the arguments given above for rejected claim 28 and are similarly rejected.

As per claim 47 and 60,

These claims are respectively rejected on grounds corresponding to the arguments given above for rejected claim 30 and are similarly rejected.

As per claim 48 and 61,

These claims are respectively rejected on grounds corresponding to the arguments given above for rejected claim 31 and are similarly rejected.

As per claim 49 and 62,

These claims are respectively rejected on grounds corresponding to the arguments given above for rejected claim 32 and are similarly rejected.

As per claim 50 and 63,

These claims are respectively rejected on grounds corresponding to the arguments given above for rejected claims 33-34 and are similarly rejected.

As per claim 51 and 64,

These claims are respectively rejected on grounds corresponding to the arguments given above for rejected claim 35 and are similarly rejected.

As per claim 52 and 65,

These claims are respectively rejected on grounds corresponding to the arguments given above for rejected claim 36 and are similarly rejected.

As per claim 53 and 66,

These claims are respectively rejected on grounds corresponding to the arguments given above for rejected claim 38 and are similarly rejected.

As per claim 54 and 67,

These claims are respectively rejected on grounds corresponding to the arguments given above for rejected claim 40 and are similarly rejected.

As per claim 55 and 68,

These claims are respectively rejected on grounds corresponding to the arguments given above for rejected claim 42 and are similarly rejected.

Response to Arguments

7. With regards to Applicant's argument that Wu does not disclose "executing the document operation with the collection partition, the collection partition comprising a subset of collection elements in the document with at least one collection element in addition to the at least one identified collection element" nor "executing the document operation with the collection partition, comprising a subset of collection elements in the document, and the one or more collection elements are designated to be part of the collection with a markup language", it is noted that Wu discloses acquiring all display content data of the document element that will fit on a page in order to perform a print of the page of the document (paragraph [100], lines 1-8). Additionally, it is respectfully noted that the document can have many pages, as disclosed by Wu (paragraph [0044], lines 4-6), so a partition can be considered page and the elements that make up the page are a subset of the collection elements of the entire document. (note: see also page dividing a document, paragraph [0029], where Wu discloses dividing the document into pages or partitions). Also regarding Applicant's argument that "all display content" is not a subset of collection elements, it is respectfully noted that a subset of a set can be the set itself, which may assist the Applicant in furthering prosecution.

With respect to the Applicant argument that Wu does not disclose a collection with a markup language, Wu discloses an HTML document at various points in his disclosure (paragraph [0040], lines 1-2; paragraph [0047], lines 1-3), and the ML in the HTML acronym stands for Markup Language . It is respectfully submitted that therefore Wu discloses the limitation.

Conclusion

8. The prior art made of record, listed on form PTO-892, and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jay A. Morrison whose telephone number is (571) 272-7112. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached on (571) 272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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